



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,896	09/27/2006	Hisashi Miyamori	4035-0175PUS1	1709

2292 7590 08/20/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

NEWMAN, MICHAEL A

ART UNIT	PAPER NUMBER
----------	--------------

2624

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

08/20/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/550,896</p>	<p>Applicant(s) MIYAMORI, HISASHI</p>	
	<p>Examiner MICHAEL A. NEWMAN</p>	<p>Art Unit 2624</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 5 and 11.
Claim(s) rejected: 1-4, 6-10 and 12.
Claim(s) withdrawn from consideration: 13 and 14.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624

Continuation of 5. Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112 1st rejections of claims 5, 11, 13 and 14 (13 and 14 were cancelled) and the 35 U.S.C. 112 2nd rejection of claims 2 - 6, 8, 9 and 10. The objection to the specification has also been overcome.

Continuation of 11. does NOT place the application in condition for allowance because:

In pages 11 and 12 of the Remarks, regarding the 35 U.S.C. 103 rejection of the independent claims 1 and 7 over Martins (U.S. Patent No. 6,950,123), "Martins", and Averbuch et al. (U.S. Patent No. 7,085,401), "Averbuch"; Applicant's Representative submits that the combination of features set forth in claims 1 and 7 are not taught by the combination of Martins and Averbuch. Specifically, Applicant's Representative submits that the present invention eliminates a line-shaped image object, which overlaps with a moving image object in a moving image, such as the net line and court lines from a moving player in the image. Applicant's Representative initially submits that Martin merely teaches computing a difference between the image of the grass and the image of the player to distinguish the player; therefore, the image of the player outside the grass cannot not be processed. The Examiner respectfully disagrees. As correctly noted by Applicant's Representative, Martins is interested in detecting the moving players. Initially, Martins extracts a field model (the field lines, etc) from the image and subtracts it from the current moving image to obtain an image containing only player blobs. Clearly, Martins teaches eliminating lined-shaped image objects from the entire image including the moving image objects (i.e. player blobs). Martins further recognizes the need to enhance, using morphological filtering or the like, the difference image so as to only consider connected components that are large enough to represent objects of interest. However, as set forth in the Office Action, Martins does not specifically teach a pixel interpolation step of dropping a perpendicular from pixels determined to be effective to a nearest line segment and setting the pixels along the perpendicular as effective. Averbuch was introduced to teach such a limitation. However, Applicant's Representative submits that Averbuch only take the lowest real point on a previously derived polygon and take the perpendicular of the lowest pixel; Averbuch then teaches drawing a line after line in a clockwise direction until another existing pixel is reached. The Examiner respectfully insists that Averbuch's teaching does meet the limitations of the claim. Averbuch fills the missing pixels by first taking a perpendicular line from the lowest real point of the last-derived boundary portion, Averbuch then draws a line on the perpendicular, takes another perpendicular in the clockwise direction, draws on that one, and repeats in the clockwise direction until an existing pixel of the boundary is reached. Averbuch simply teaches filling multiple perpendicular lines. The Examiner respectfully insists that the combination of Martins and Averbuch does teach the limitations of claims 1 and 7.

In view of this reasonable interpretation of the claims and the prior art, the Examiner respectfully insists that the rejections under 35 U.S.C. 103 are proper.